REMARKS

Applicants thank the Examiner for a thorough search of the present application, but respectfully request reconsideration of the present application in view of the reasons that follow. No Claims are being amended or added. Claims 33-38 are being canceled. Claims 1-32 are now pending in this application.

I. Restriction of new Claims 33-38

On page 2 of the Office Action, the Examiner asserted that newly submitted Claims 33-38 were "directed to an invention that is independent or distinct from the invention originally claimed," allegedly due to Claims 33-38 being "drawn to method of creating a link layers address for a module located within a base station." The Examiner further alleged that "[c]reation of the different link layers is conditional based upon the information about the position of the module within the base station" and deemed the original claims elected over the alleged set of "independent or distinct" Claims 33-38. Applicants respectfully disagree. However, to further prosecution, Applicants have canceled Claims 33-38 rendering this rejection moot.

II. Rejection of Claims 1-32 under 35 U.S.C. 102(e)

On page 3 of the Office Action, Claims 1-32 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Publication No. 2003/0195002 to Singhal *et al.* (Singhal). Applicants respectfully submit that Singhal fails to teach, suggest, or describe all of the features recited in at least independent Claims 1, 15, and 29.

Independent Claim 1 recites:

> configuring a temporary address for an interface of a sub-element of a network element, the network element comprising a control module and the sub-element;
>
> retrieving an identifier of the network element from the control module; and
>
> defining a second address for the interface of the sub-element based on the retrieved identifier of the network element and the temporary address.

Though independent Claims 15 and 29 have a different scope, Claims 15 and 29 include similar features. Applicants respectfully submit that Singhal fails to teach or suggest each and every element recited in independent Claims 1, 15, and 29.

A.   *configuring a temporary address*

The Examiner states:

> Singhal discloses a method (abstract) for configuring addresses in a packet switched data communication system (P2,[0023]: packet network), the method comprising: configuring a temporary address (P5: [0052] and [0054]: DHCP assigns MAC address: Fig. 2: address has expiration time: P3,[0035]) for an interface of a sub-element of a network element (P2,[0023]: Ethernet interface), the network element comprising a control module (Fig. 1: Core) and the sub-element (Fig. 1 and P1, [0009]: HMP – Network Access point).

(Office Action at pg. 3). Applicants respectfully disagree with the Examiner's characterization of Singhal.

The Examiner equates the "network element" recited in Claims 1, 15, and 29 with the "Core server" in Singhal, and the "sub- element" recited in Claims 1, 15, and 29 with the "HMP device" in Singhal. The Examiner also considers the claimed "temporary address" to be anticipated by the "MAC address" disclosed by Singhal. In paragraph [0028], Singhal discloses an "HMP Registry 200" in the description of Fig. 2, and the use of an "HMP's MAC address" as a "key to access entries in the HMP Registry." Singhal further discloses that each HMP (Handoff Management Points) "must keep the Core server apprised of its presence, where this presence is recorded by the Core in its HMP Registry." (Para. [0009]). Each HMP is registered with the Core by issuing a "registration request," which "identifies the MAC address and IP address of the HMP, and optionally other identifying information." (Para. [0035]). Singhal also discloses that, optionally, the HMP "may request a particular registration validity period." (Para. [0035]). Therefore, the HMP issues a request for registration, which identifies the MAC address. However, contrary to the Examiner's assertion that the "address has expiration time" (Office Action at pg. 3), it is the registration of the HMP with the Core server and not the identified MAC address which is set to expire

unless renewed. (*See* paras. [0040] and [0050]). Thus, Singhal fails to teach, suggest, or describe "configuring a temporary address for an interface of a sub-element of a network element" as recited in independent Claim 1, and similarly recited in independent Claims 15 and 29.

> B.   *retrieving an identifier of the network element from the control module*

The Examiner alleges that Singhal, at paragraph 0068, discloses "retrieving an identifier of the network element from the control module" (Office Action at p. 3). Paragraph [0068] of Singhal recites:

> Moreover, <u>a historical record of which users were using which devices and/or which HMPs at any particular time may be created by recording information in a log file as updates are made to the user location information in the AUL</u>. FIG. 8 shows an example of such a log file, which in this case records the user's name or other identifier (column 810); the device type and serial number of the user's device, if known (column 820); the physical location and/or the serial number (if known) of the HMP which was used (column 830); and the starting time when this HMP was used (column 840). <u>Instead of, or in addition to, using the device's serial number, its MAC address may used. Similarly, the HMP's MAC address may be used instead of or in addition to its serial number.</u> In the example of FIG. 8, only the starting time of using an HMP has been recorded. The ending time can be programmatically deduced, for example by detecting that multiple log entries exist for user "Bob" with the same Palm Pilot device: it can be seen by inspection of the example log file that Bob was originally using the HMP having serial number 93414A3 (row 850), then changed to use the HMP having serial number 93413B1 17 seconds later (row 870), and then changed back to using the HMP with serial number 93414A3 14 seconds after that (row 880). Thus, Bob was roaming about while using his Palm Pilot in an area that had at least two HMPs in relatively close proximity to each other. Alternatively, a log file could contain an explicit ending time for use of each HMP, <u>where the Core would create this ending time upon receiving notification that the device had terminated its communication channel or moved from one HMP to another.</u>

(Emphasis added through underlining and bolding). Therefore, according to Singhal, the Core server retrieves an identifier of an <u>HMP device</u>. As pointed out previously, the Examiner equates the "network element" recited in Claims 1, 15, and 29 with the "Core server" in Singhal. However, Claim 1 recites "retrieving an identifier <u>of the network element</u> from the control module" (emphasis added through underlining), which is contrary to Singhal's teaching of the HMP device. Therefore, Singhal fails to teach, suggest, or describe "retrieving an identifier of the network element" as recited in independent Claim 1, and similarly recited in independent Claims 15 and 29.

        C.   *defining a second address for the interface of the sub-element based on the retrieved identifier of the network element and the temporary address*

The Examiner alleges that Singhal discloses "defining a second address for the interface of the sub-element based on by including [sic] the retrieved identifier of the network element and the temporary address (Fig. 1 and 6: P5,[0052-0057])." (Office Action at pg. 3). Applicants respectfully disagree. Paragraph [0052] and Fig. 6 of Singhal disclose that, "[h]aving established a communication channel, the client device then issues a DHCP address assignment request (Block 600 of FIG. 6) to obtain an IP address." In response to this request, "the device's IP address is assigned by the Core server, and the Core ensures that all DHCP requests from a particular device are responded to with the same (constant) IP address throughout the lifetime of this device's on-going session within the Core's domain." (Para. [0053]). Singhal further states:

> At Block 615, the Core receives and de-encapsulates the DHCP request. <u>The Core then inspects the MAC address of the client device from this request, and determines (at decision Block 620) whether an entry already exists in the Core's AUL Registry for this MAC address.</u> If so, then control transfers to Block 635 where the existing IP address from the AUL Registry entry is selected for assignment to the requesting device. On the other hand, <u>when no existing entry is found in the AUL Registry, control transfers to Block 625 where the Core creates a new AUL Registry entry.</u> Preferably, information from the forwarded DHCP request is used when creating the AUL Registry values as shown in columns 310, 330, and 340 of FIG. 3. <u>The Core then assigns a new IP address to the requesting</u>

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device (Block 630) and stores that address in the newly-created
AUL Registry entry for the device (as shown in column 320 of
FIG. 3).

(Para. [0055], emphasis added through underlining). Thus, according to Singhal, the Core
assigns an IP address to a client device. Singhal, however, fails to teach, suggest, or describe
that the assigned IP address is defined "based on the retrieved identifier of the network
element and the temporary address" as recited in independent Claim 1, and similarly recited
in independent Claims 15 and 29.

Additionally, as discussed above, the Examiner equates the "sub- element" recited in
Claims 1, 15, and 29 with the "HMP device" in Singhal. However, the assigned IP address
refers to the **client device** connecting through the HMP and not to the HMP device itself.
Therefore, Singhal also fails to teach, suggest, or describe "defining a second address for the
interface of the sub-element" as recited in independent Claim 1, and similarly recited in
independent Claims 15 and 29.

For at least the reasons discussed above, Applicants respectfully submit that Singhal,
fails to teach, suggest, or describe all of the elements recited in independent Claims 1, 15, and
29. The remaining claims depend from one of Claims 1, 15, and 29. Therefore, Applicants
respectfully request withdrawal of the rejection of Claims 1-32.

Applicants believe that the present application is in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a
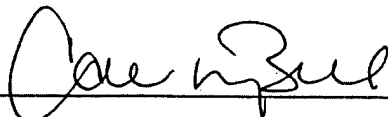telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be
required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,
to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a
check or credit card payment form being in the wrong amount, unsigned, post-dated,
otherwise improper or informal or even entirely missing, the Commissioner is authorized to
charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date <u>November 3, 2008</u>   By _____

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